

REMARKS/ARGUMENTS

In the Office Action mailed May 5, 2008, claims 1 – 8 were rejected. In response, Applicants have amended claims 1 and 3 – 5 and canceled claim 2. Applicants hereby request reconsideration of the application in view of the amended claims and the below-provided remarks.

Objections to Drawings

In response to Applicants' arguments of March 11, 2008, the current Office action cites 35 U.S.C. 372(a) in support of maintaining the objection to Fig. 1. Applicants respectfully point out that 35 U.S.C. 372(b)(1) states:

“(b) In case of international applications designating but not originating in, the United States -

(1) the Director may cause to be reexamined questions relating to form and contents of the application in accordance with the requirements of the treaty and the Regulations”.

As allowed in 35 U.S.C. 372(b)(1), the Director has indicated in MPEP 1893.03(f) that “[t]he USPTO may not impose requirements beyond those imposed by the Patent Cooperation Treaty (e.g., PCT Rule 11).” Further, Applicants respectfully point out that Examiners are governed by the applicable statutes, rules, decisions, and orders and instructions issued by the Director of the USPTO. Because the current case is an international application not originating in the United States and because the drawing requirements for U.S. National Stage applications (MPEP 1825) do not require labeling of figures as "Prior Art" (see PCT Rule 11.11), Applicants respectfully assert that labeling Figure 1 as "Prior Art" is not required in the current application.

Response to Claim Rejections

Claims 1 – 4, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Toyota et al. (U.S. Pat. No. 5,963,064, hereinafter Toyota). Additionally, claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyota in view of Seevinck et al. (U.S. Pat. No. 4,682,098) and claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyota in view of Seevinck and further in view of Hughes (U.S. Pat.

No. 4,973,857). However, Applicants respectfully submit that these claims are patentable over the cited references for the reasons provided below.

Claim 1

Claim 1 has been amended to incorporate all of the limitations of claim 2 and to particularly point out that “the first and second transistors of the first side are different from the first and second transistors of the second side.” Support for the amendment is found in Applicants specification at, for example, paragraph [0036] and Fig. 2. As amended, claim 1 recites in part:

“wherein the transconductance circuit comprises two sides, each side comprising an input, an output, at least a first transistor having a control electrode coupled for receiving a bias voltage, a first electrode connected to said output and a second electrode connected to said input, a second transistor having a first electrode and a control electrode coupled in common to said input and a second electrode connected to a power supply terminal, and wherein the first and second transistors of the first side are **different from** the first and second transistors of the second side.” (emphasis added)

The Office action cites MOSFETs M3 and M4 from Fig. 1 of Toyota as disclosing the first and second transistors as recited in claim 2 (now incorporated into claim 1). However, Applicants assert that MOSFETs M3 and M4 from Fig. 1 of Toyota are not two different sets of transistors for each side of the transconductance circuit. In particular, two different sets of MOSFETs (e.g., two different sets of MOSFETs M3 and M4) do not exist on each side of the circuit in Fig. 1 of Toyota. Because Toyota does not disclose two different sets of transistors in which “the first and second transistors of the first side are different from the first and second transistors of the second side” as recited in amended claim 1, Applicants assert that amended claim 1 is not anticipated by Toyota.

Dependent Claims 3 – 8

Claims 3 – 8 depend from claim 1. Claims 3 – 5 have been amended to depend from claim 1 in view of canceled claim 2. Applicants assert that claims 3 – 8 are allowable at least based on an allowable claim 1.

CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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